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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE VALSARTAN, LOSARTAN, AND IRBESARTAN PRODUCTS LIABILITY LITIGATION	MDL No. 2875
THIS DOCUMENT RELATES TO ALL CASES	HON. ROBERT B. KUGLER CIVIL NO. 19-2875 (RBK) Redacted Version

**PLAINTIFFS' REPLY MEMORANDUM IN FURTHER SUPPORT OF
DAUBERT MOTION TO PRECLUDE OPINIONS OF DEFENSE EXPERT
ROGER WILLIAMS, M.D.**

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On the Brief:
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I. INTRODUCTION

Teva's Response (ECF 2336) to Plaintiffs' *Daubert* challenge to Dr. Williams (ECF 2295) confirms Dr. Williams' flawed [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. This opinion is legally and methodologically inadmissible.

As Plaintiffs' motion previously explained, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

As to Dr. Williams' conjectural opinions [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED] This is not the proper subject of expert testimony.

II. ARGUMENT

A. Dr. Williams' [REDACTED] Should Be Precluded

Teva's rhetoric notwithstanding (*see* Teva Resp. at 4-9), there really is no dispute as to what Dr. Williams says [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Teva agrees. It says:

[REDACTED]

Plaintiffs also correctly identified the second purported basis for Dr. Williams'

[REDACTED] in their opening brief, again at page 7:

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[REDACTED]

Teva agrees with this, too:

[REDACTED]

Thus, there is no dispute that Dr. Williams believes [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Plaintiffs' opening brief thoroughly explained why [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1 [REDACTED]

[REDACTED]

Relatedly,

[REDACTED]

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The point is not

[REDACTED]

2

2

3

3 [REDACTED]

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B. Dr. Williams Cannot Opine on [REDACTED]
[REDACTED]

Plaintiffs' opening brief catalogued the numerous speculative opinions [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Teva's only response is that [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] An expert cannot opine "as to the state of mind of the FDA." *In re Mirena IUD Prods. Liab. Litig.*, 169 F. Supp. 3d 396, 466 (S.D.N.Y. 2016); *Kruszka v. Novartis Pharm. Corp.*, 28 F. Supp. 3d 920, 931 (D. Minn. 2014) ("[The experts] may not proffer an opinion relating to what individuals ... with the FDA thought with respect to certain documents or about their motivations."); *Wolfe v. McNeil-PPC, Inc.*, 881 F. Supp. 2d 650, 662 (E.D. Pa. 2012) (experts "will not be permitted to testify at trial with respect to the state of mind of defendants or the FDA"). The Court should preclude Dr. Williams from offering unreliable, unhelpful,

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speculative opinions about [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

III. CONCLUSION

For the foregoing reasons, as well as those set forth in Plaintiffs' opening memorandum, Dr. Williams should be precluded from [REDACTED]

[REDACTED]

[REDACTED]

Respectfully,

ON BEHALF OF PLAINTIFFS

By: /s/ David J. Stanoch_____

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Dated: April 25, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 25, 2023, a true and correct redacted copy of the foregoing was filed and served via the court's CM/ECF system, and an unredacted version was served on the court and the Defense Executive Committee via email.

/s/ David J. Stanoch
David J. Stanoch